

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN OTROMPKE, JD,

Plaintiff,

-against-

THE FIRST DEPARTMENT COMMITTEE ON  
CHARACTER AND FITNESS et al,

Defendants.

22-CV-4676 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, filed this action alleging that Defendants had violated his rights. By order dated July 11, 2022, the Court dismissed the complaint and entered judgment. (ECF 6-7.) Thereafter, Plaintiff repeatedly sought leave to reopen this matter, and on October 17, 2022, the Court vacated the order of dismissal and judgment, reopened this matter, and granted Plaintiff leave to replead his claims to cure the deficiencies in his complaint. (ECF 21.) Plaintiff then filed a “Motion To Re-Disclose Pre-Existing Precedent,” a motion to file a first amended complaint, and other applications. (ECF 22-26).

On November 15, 2022, Plaintiff filed an amended complaint (ECF 27.) One week later, he filed a motion for leave to file a second amended complaint as a matter of course under Rule 15(a)(1) of the Federal Rules of Civil Procedure (ECF 28), and then on January 12, 2023, he filed a motion for leave to file a third amended complaint (ECF 31). The proposed third amended complaint was filed separately on the docket as “Plaintiff’s unsworn declaration under 28:1746.” (ECF 32.) The Court grants Plaintiff’s motion to file his third amended complaint (ECF 31), and denies as moot the motions to file a first and second amended complaint (ECF 25, 28).

The Court denies Plaintiff’s request to issue “nine summonses” without prejudice to his renewing his request for summonses once the third amended complaint, which identifies six

defendants, is filed on the docket as the operative complaint. The third amended complaint supersedes rather than supplements any earlier filed complaint. Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed. The Court extends the time for service to a date within 90 days of the date the third amended complaint is filed.

### **CONCLUSION**

The Court grants Plaintiff's motion to file his third amended complaint (ECF 31) and directs the Clerk of Court to refile the proposed pleading (ECF 32) on the docket as a third amended complaint. The Court further directs the Clerk of Court to deny as moot the pending motions to file a first amended complaint (ECF 25), and second amended complaint (ECF 28). Plaintiff's motions to "re-disclose pre-existing precedent" (ECF 22), and for a status hearing (ECF 35) are denied.

Once the third amended complaint is filed on the docket as the operative complaint, Plaintiff may renew his request to the Clerk for summonses for the defendants named therein. The Court extends the time for service to a date within 90 days of the date the third amended complaint is filed.

SO ORDERED.

Dated: March 6, 2023  
New York, New York

/s/ Laura Taylor Swain  
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LAURA TAYLOR SWAIN  
Chief United States District Judge